

COUNTY OF KAUAI
Minutes of Meeting
Open Session

Board/Committee:	LIQUOR CONTROL COMMISSION	Meeting Date	August 20, 2015
Location	Mo‘ikeha Building, Meeting Room #3	Start of Meeting: 4:00 p.m.	End of Meeting: 4:19 p.m.
Present	Chair Pro Tem Jean Iida; Members: Shirley Akita, Gerald Matsunaga, Dane Oda, Pauline Ventura Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Nicholas Courson		
Excused	Josephine Sokei		
Absent			

--

SUBJECT	DISCUSSION	ACTION
Call To Order		Chair Pro Tem Iida called the meeting to order at 4:00 p.m. with 5 members present, constituting a quorum.
Roll Call	Director Rapozo called roll, noting 5 members were present.	
Approval of the Agenda		Mr. Matsunaga moved to approve the agenda. Mr. Oda seconded the motion. Motion carried 5:0.
Violation Hearing	<p><u>PUTTER’S PUB AT KAUAI LAGOONS</u>: Violation of Rule 7.8(a) Manager on Duty, Qualifications.</p> <p>Mr. John Borales, a member of the LLC, was present along with Mr. Sherman Shiraishi (counsel). Charges admitted.</p> <p>Mr. Shiraishi explained the restaurant has been in operation for over 18 years, and the prior co-owner of the LLC handled the renewals of the liquor license, and that co-owner never possessed a blue card. Melanie Borales, member of the LLC assumed the responsibilities of renewing the liquor license, and was under the impression that a Blue Card was not necessary</p>	

	<p>for a co-owner. She was also under the impression that the business had been “grandfathered”. Mrs. Borales did not have a Blue Card at the time the violation was issued, but she did possess the requisite knowledge and qualifications necessary to obtain a Blue Card, and did so the very next day.</p> <p>Mr. Shiraishi stated the licensee admits to the charges, but pointed out that the fact that the licensee was following the same procedures they had been using for the past 18 years, and the fact that Mrs. Borales passed the Managers exam the next day shows mitigating circumstances, and request the liquor license not be suspended or revoked, and that the penalty be a minimal amount.</p> <p>Mr. Matsunaga asked if Mr. Shiraishi was aware that a separate violation for stacking occurred, but the licensee was only given a warning, to which Mr. Shiraishi replied yes, he was aware of that. In reference to the stacking issue, Mr. Shiraishi clarified for the Commission’s understanding the operation of Putter’s Pub, and how service is typically provided to the golfers at their establishment. Mr. Shiraishi shared his interpretation of what he feels stacking is.</p> <p>Ms. Akita asked though Mr. Borales has been in business for a number of years, is Mrs. Borales a new employee to which Mr. Borales replied she has been part of the business from the beginning.</p> <p>Ms. Ventura asked whether there had only been one, single owner prior to the current owners to which Mr. Shiraishi explained the role of the former co-owner. His understanding is that the former co-owner did not have a Blue Card, and he was responsible for applying for the renewals.</p> <p>Ms. Akita commented that Mr. Borales, having been part of the business all this time, must have known that if he did not have a Blue Card, other employees were required to. Mr. Borales stated that yes, other employees</p>	
--	---	--

	<p>and bartenders did have Blue Cards. Ms. Akita further stated that Mr. Shiraishi is making some assumptions that are bothersome to her. Mr. Shiraishi stated the impression of the owners is that if you are an owner of the business, you did not need a Blue Card, and that if they possessed a liquor license prior to the implementation of the Rules and Regulations, they were “grandfathered” in. Mr. Shiraishi stated the grandfathering provision was for owners to have Blue Cards.</p> <p>Director Rapozo pointed out for clarification that when Blue Cards first took effect in the 1980’s, they grandfathered current licensees at the time. However, the last licensees that fell under that provision were Hanamā‘ulu Café and Barbeque Inn. Once they ceased operations, there were no more licenses under the “grandfathered” provision. He also explained that one is not required to have a Blue Card to renew a liquor license, stating for example many hotel operations whose renewals are handled by people on the mainland. The rule for the Blue Card states that as long as customers are on premises, a registered Blue Card holder must be present.</p>	
Minutes of the Meeting	<u>Minutes of the Meeting of June 25, 2015</u>	Mr. Matsunaga moved that a fine of \$500 be imposed, with \$250 suspended for one (1) year provided there are no violations of the same offense within that year. Ms. Akita seconded the motion. Motion carried 5:0.
1.	<p><u>DIRECTOR'S REPORT:</u></p> <p>a) <u>INVESTIGATORS' REPORTS</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u></p> <p>(1) From Big Save ‘Ele‘ele, Re: Completion of alterations</p> <p>(2) From Foodland Princeville, Re: Completion of alterations</p> <p>(3) From Lava Lava Too, LLC, Re: dba name Lava Lava Beach Club</p> <p>(4) From Kenwood Vineyards, Re: Cancellation of direct shipper permit effective July 14, 2015</p>	Ms. Ventura moved to approve the minutes. Mr. Oda seconded the motion. Motion carried 5:0.

	<ul style="list-style-type: none">(5) Arrowhead Promotion & Fulfillment, Re: MS 2015 IRC Snack Time coupon offers(6) From Delicato Family Vineyards, Re: “Sequin”, “La Merika” Emerald Nuts, and “Gnarly Head” coupon offers, and Bota Box “Name the Owl”, and “Go Bota Photo” contest.(7) From Avid Marketing Group, Re: Cuervo Express 2015 Holiday Sweepstakes(8) From Strike & Techel, Re: Boonrawd Brewery Co. – Best Singha Moment Contest(9) From Sweepstakes Consulting, LLC, Re: Robert Mondavi Holiday Party sweepstakes(10) Disturbance Report from Rob’s Good Times Grill, Big Wave Dave’s, Kauai Beach Resort, and Brennecke’s Beach Broiler <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <ul style="list-style-type: none">(1) To Delicato Family Vineyards, Re: “Sequin”, and “La Merika” Emerald Nuts coupon offers(2) To Avid Marketing Group, Re: Cuervo Express 2015 Holiday Sweepstakes(3) To All Wholesale Licensees, Re: Non-Renewal of Liquor Licenses for Common Ground, Hanamā‘ulu Café, Tavern at Princeville by Roy Yamaguchi, Koa Trading Company, Hilo Hattie, Kapa‘a Liquor & Wine Co., Kojima’s, Inc., Menehune Food Mart Lāwa‘i, and Princeville Restaurant & Bar; Pending Renewal of Liquor Licenses for 9th Island Sports Bar, Joe’s on the Green, Pau Hana Grill & Bar, Art Café Hemingway, and Kauai Bowl; Renewal of Liquor License for Kauai Bowl, Art Café Hemingway, Pau Hana Grill & Bar, and Sukhothai Café; Change from Dispenser to Restaurant License for JJ’s Broiler; Renewal of Liquor License for 9th Island Sports Bar & Grill; Transfer of Liquor License for Garden Island Grille; Renewal of Liquor License for Joe’s on the Green.(4) Notice of Hearing to Putter’s Pub at Kauai Lagoons	
--	---	--

	<p>(5) To Kauai Sports Bar & Asian Cuisine, Re: Pre-Audit FY15</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers – See Attachment.</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u> (1) FOODLAND PRINCEVILLE (2) JOSSELIN'S TAPAS BAR & GRILL (3) KILOHANA (4) LIVING FOODS (5) MERRIMAN'S (6) MONICO'S TAQUERIA (7) NAWILIWILI TAVERN (8) ROB'S GOOD TIMES GRILL (9) TORTILLA REPUBLIC (10) THE WINE SHOP (11) DESTINATION EVENTS HAWAII LLC (12) MAGICAL CRUISE COMPANY LTD. (13) DESTINATION EVENTS HAWAII LLC (14) PBAC, LLC (15) NANI MOON MEAD LLC (16) THE HAND OF HOPE INTERNATIONAL (17) KAUAI HIGH SCHOOL ALUMNI FOUNDATION (18) LEADERSHIP KAUAI (19) YWCA OF KAUAI</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Mr. Oda moved to receive Items 1 (a) through (f). Mr. Matsunaga seconded the motion. Motion carried 5:0.</p>
--	--	---

2.	<u>VIOLATION REPORTS:</u> <u>POIPU BEACH ATHLETIC CLUB:</u> Violation of HRS Section 281-31(c)(1)(B) Restaurant License	Ms. Akita moved to call the licensee for Violation Hearing. Mr. Matsunaga seconded the motion. Motion carried 5:0.
3.	a) <u>OFF PREMISE WAREHOUSING:</u> KAUAI BLUE, INC. dba SHERATION KAUAI RESORT	Ms. Akita moved to approve the renewal of permits. Mr. Matsunaga seconded the motion. Motion carried 5:0.
4.	<u>CHANGE IN CORPORATE OFFICERS:</u> a) MNS LTD. dba ABC STORES b) LAWAI GENERAL STORE c) CLOROSHKO LLC	Mr. Oda moved to approve the change in corporate officers. Ms. Akita seconded the motion. Motion carried 5:0.
5.	<u>CHANGE OF FIRM NAME:</u> <u>BIRDIE'S CAFÉ:</u> Change of firm name on Restaurant General License No. 2G-073 from "Birdie's Café" to "Paco's Tacos Cantina".	Ms. Akita moved to approve the request for change of firm name. Mr. Oda seconded the motion. Motion carried 5:0.
6.	<u>SOLICITOR'S PERMIT:</u> <u>MASAKI MIYAZAWA:</u> Application No. 2016-25 was filed on August 3, 2015 by Masaki Miyazawa for a Solicitor's Permit in the County of Kauai to represent Nishimoto Trading Co., Ltd., a Wholesale General licensee in the City & County of Honolulu. Deposited \$180	Ms. Akita moved to approve the request for solicitor's permit. Mr. Oda seconded the motion. Motion carried 5:0.
7.	<u>NEW LIQUOR LICENSE::</u> a) <u>DESTINATION EVENTS HAWAII LLC:</u> Application No. 2016-20 was filed on July 27, 2015 by Destination Events Hawai'i LLC dba	

	same for a Restaurant General license (live entertainment and dancing) located at 4900 Kuawa Road, Kīlauea, Kaua‘i, Hawai‘i. Deposited \$450.	Ms. Akita moved to accept Application No. 2016-20 for publication and public hearing. Mr. Oda seconded the motion. Motion carried 5:0.
	b) <u>PBAC, LLC</u> : Application No. 2016-22 was filed on July 27, 2015 by PBAC, LLC dba Po‘ipū Beach Athletic Club for a Restaurant General License (live music with dancing) located at 2290 Po‘ipū Road, Kōloa, Kauai, Hawai‘i. Deposited \$450.	Ms. Akita moved to accept Application No. 2016-22 for publication and public hearing. Mr. Oda seconded the motion. Motion carried 5:0.
8.	<u>TRANSFER OF LICENSES:</u> a) <u>SAM’S ON THE BEACH</u> : Application No. 2016-24 was filed on August 5, 2015 for transfer of Restaurant General License No. 2G-074 (live entertainment and dancing) from Coconut Coast Restaurant, LLC dba Beachwalk Restaurant & Grill to Sam’s on the Beach, LLC dba Sam’s on the Beach located at 4-1546 Kūhi‘ō Highway, Kapa‘a, Kauai, Hawai‘i. Deposited \$275.	Ms. Akita moved to accept Application No. 2016-24 for publication and public hearing. Mr. Oda seconded the motion. Motion carried 5:0.
	b) <u>WESTIN PRINCEVILLE OCEAN RESORT VILLAS</u> : Application No. 2016-27 was filed on August 10, 2015 for transfer of Hotel License No. 12G-007 from Western Host, Inc. dba The Westin Princeville Ocean Resort Villas to FOH Hospitality, LLC dba The Westin Princeville Ocean Resort Villas located at 3838 Wylie Road, Princeville, Kauai, Hawai‘i. Deposited. \$275	Ms. Akita moved to accept Application No. 2016-27 for publication and public hearing. Ms. Ventura seconded the motion. Motion carried 5:0.
	c) <u>PRINCEVILLE MARKET</u> : Application No. 2016-28 was filed on August 10, 2015 for transfer of Retail Dealer General License No. 4G-061 from Western Host, Inc. dba Princeville Market to FOH Hospitality, LLC dba Princeville Market located at 3838 Wylie Road, Princeville, Kauai. Hawai‘i. Deposited \$275	Ms. Akita moved to accept Application No. 2016-28 for publication and public hearing. Mr. Oda seconded the motion. Motion carried 5:0.
Announcements	Next Scheduled Meeting: Thursday, September 3, 2015 – 4:00 pm, Mo‘ikeha Building, Meeting Room #3.	

Adjournment		Chair Pro Tem Iida adjourned the meeting at 4:19 p.m.

Submitted by: _____
Cherisse Zaima, Private Secretary

Reviewed and Approved by: _____
Paul Endo, Chair

- () Approved as is.
() Approved with amendments. See minutes of _____ meeting.